

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,

Plaintiff,

v.

WARDEN, et al.,

Defendants.

No. 2:23-cv-1833 KJN P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

By an order filed August 31, 2023, plaintiff was ordered to file an in forma pauperis affidavit or pay the court's filing fee, was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has expired, and plaintiff has not responded to the court's order and has not filed the required documents.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

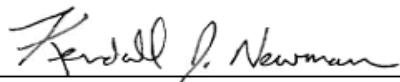
IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that

1 failure to file objections within the specified time may waive the right to appeal the District  
2 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: October 4, 2023

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE